

From: 2804 Discovery, MDL mdl2804discovery@motleyrice.com
 Subject: FW: EXTERNAL-RE: MDL2804: perfidious strategies
 Date: May 17, 2019 at 2:34 PM
 To: MDL 2804 MDL2804@motleyrice.com



From: Mike Fuller <Mike@mchughfuller.com>
Sent: Friday, May 17, 2019 7:27:59 PM
To: David R. Cohen (David@SpecialMaster.Law); Mahady, Joseph J; 2804 Discovery, MDL; MDL 2804; xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Cc: Nicholas, Robert A.; McClure, Shannon E.; Schack, Louis W.
Subject: RE: EXTERNAL-RE: MDL2804: perfidious strategies

SM Cohen,

This does not address this or the bigger issue. With all due respect to counsel opposite it has repeatedly been the position of the Defendants that it is sufficient “looking” for documents to rely on what was triggered based on the custodial searches based on the agreed to search terms. This is not one of those cases. What is happening with multiple defendants is that they are now relying on pre-2006 communications received from the DEA as an affirmative defense in their case. However, the Defendants all fought to limit the ability of the Plaintiff’s to conduct discovery prior to 2006 and your Special Master agreed, with limited exceptions for distribution data and suspicious order reports. This was also with the understanding that some documents prior to 2006 would be produced through custodial files and search terms.

The letters discussed below apply to ABDC and Cardinal. ABDC has indicated that it cited these documents in their combined discovery, this combined discovery was served in July 2018. Attached is the Supplemental response from ABDC that wasn’t filed till November 30th after Judge Polster ordered all Defendants to provide more complete responses to the Combined Discovery. Page 2 is highlighted for the reference that ABDC made to some of the pre-2006 DEA communications. It has become clear through the development of this litigation that occurrences and systems prior to 2006 are significant issues in this case. There should be no question that Plaintiffs are entitled to conduct discovery related to DEA communications with the Defendants and their agents (SM recently ruled that Cardinal had to produce communications between outside counsel and DEA). Therefore, Plaintiffs are requesting SM to order all Defendants to produce all communications with the DEA back to 1980 and conduct specific searches for these documents in their possession and possession of their agents.

This raises another issue of huge concern for the Plaintiffs. Defendants want to claim that they were relying on DEA approval of a particular system back into the 1990’s. As mentioned above Plaintiff’s have been limited by previous order of the Court (only permitting discovery back to 2006) from conducting discovery on these alleged SOMS that may or may not have received approval from the DEA. To the best of Plaintiffs’ knowledge the earliest SOP (standard operating procedure) related to a SOMS program that ABDC produced was 2005. While certainly not intentional, the current status allows the Defendants to rely on documents and communications from the DEA related to SOMS they have not provided and for which Plaintiffs have been banned from conducting discovery. This is an unintended consequence of the previous ruling and the Courts attempt to best manage discovery. Plaintiffs position is that it is fundamentally unfair to permit the Defendants to use “approval” of a “suspicious order monitoring system” that

permit the Defendants to use approvals or a suspicious order monitoring system that has not been provided with all of its details to Plaintiffs and for which Plaintiffs have not been permitted to conduct any discovery.

Mike

From: David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>
Sent: Wednesday, May 15, 2019 10:26 AM
To: Mahady, Joseph J <JMahady@ReedSmith.com>; Mike Fuller <Mike@mchughfuller.com>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; MDL 2804 <MDL2804@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Cc: Nicholas, Robert A. <RNicholas@ReedSmith.com>; McClure, Shannon E. <SMcClure@ReedSmith.com>; Schack, Louis W. <LSchack@ReedSmith.com>
Subject: Re: EXTERNAL-RE: MDL2804: perfidious strategerie

Cutting to the chase, the important sentence here is "ABDC is not aware of any other communications with DEA in its possession relating to the 1998 approval."

Does this end the matter for Ps?

-d

=====

This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Mahady, Joseph J <JMahady@ReedSmith.com>
Sent: Wednesday, May 15, 2019 11:13 AM
To: Mike Fuller; David R. Cohen (David@SpecialMaster.Law); 2804 Discovery, MDL; MDL 2804; xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Cc: Nicholas, Robert A.; McClure, Shannon E.; Schack, Louis W.
Subject: RE: EXTERNAL-RE: MDL2804: perfidious strategerie

Special Master Cohen:

Mr. Fuller identified only two of the communications between DEA and ABDC, and implied that more communications exist that were not produced. As Plaintiffs know, ABDC has already produced six pieces of communication between DEA and ABDC between 1996

and 1998 pertaining to the DEA's approval of ABDC's SOMS in 1998. ABDC is not aware of any other communications with DEA in its possession relating to the 1998 approval. The following communication were produced to Plaintiffs 10 months ago:

1. September 30, 1996 letter from C. Zimmerman (ABDC) to T. Gitchel (DEA);
2. October 29, 1996 letter from T. Gitchel (DEA) to C. Zimmerman (ABDC);
3. October 3, 1997 letter from E. Willis (DEA) to C. Zimmerman (ABDC);
4. December 30, 1997 letter from C. Zimmerman (ABDC) to T. Gitchel (DEA);
5. May 20, 1998 letter from C. Zimmerman (ABDC) to P. Good (DEA); and
6. July 23, 1998 letter from P. Good (DEA) to C. Zimmerman (ABDC).

Plaintiffs were specifically directed to these documents through ABDC's Supplemental Combined Discovery Responses. Mr. Rafalski stated in his report that he relied on these Supplemental Combined Discovery Responses in preparing his report.

Thank you.

Joe

Joseph J. Mahady
(215) 851-8239
jmahady@reedsmith.com

Reed Smith LLP
Three Logan Square
Suite 3100
1717 Arch Street
Philadelphia, PA 19103
+1 215 851 8100
Fax +1 215 851 1420

From: Mike Fuller <Mike@mchughfuller.com>
Sent: Wednesday, May 15, 2019 10:45 AM
To: David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>; 2804
Discovery, MDL <mdl2804discovery@motleyrice.com>; MDL 2804
<MDL2804@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Subject: RE: EXTERNAL-RE: MDL2804: perfidious strategerie

EXTERNAL E-MAIL

External E-mail

SM Cohen,
Per your request please see below.

Previously taken testimony of Mr. Reardon (a former employee that was the head of anti-diversion until late 2007) relates to the NWDA document and letters from DEA attached thereto (see attached at pages 10-12). Mr. Reardon's testimony is clear that Cardinal allegedly relies on the letters from DEA Acting Chief Gitchel for the use of the ILR (Ingredient Limit Report) system. These Gitchel letters date back to 1984. Specifically Reardon testified:

Beginning at page 421

17 BY MR. FULLER:

18 Q. Now, let's talk a little bit more about
19 these ingredient limit reports. And I've heard
20 you say several times today that these ingredient
21 limit reports were approved by the DEA.

22 Tell the jury who at the DEA approved
23 these ingredient limit reports.

24 A. I believe there's a letter out there by
00422

1 Thomas Gitchel.

2 Q. Thomas who?

3 A. Gitchel.

4 Q. Can you help me out with the spelling of
5 that last name?

6 A. G-i-t-c-h-e-l.

7 Q. And when was that letter sent?

8 A. It was around 1990.

9 Q. And in 1990, you believe some letter is
10 out there that exists that says it's okay to
11 provide the ingredient limit reports?

12 A. There was a collaboration between the DEA
13 and the trade association to develop the report.

14 Q. You don't happen to have a copy of that
15 letter, do you?

16 A. I do not.

Then in just the past two days with Plaintiff's expert James Rafalski, ABDC used a set of communications with the DEA, also some of those with DEA Acting Chief Gitchel. The first letters occurred in 1996 and Counsel for ABDC indicated it was a request for approval of the system they were implementing. Then there is a gap of approximately 2 years with no other communication on the issue. On July 1998 there is a letter from Chief of Liaison and Policy Section, Patricia Good, allegedly approving of the system that ABDC was requesting nearly two years prior. The specific line of questioning of Mr. Rafalski is set out below from the draft transcript.

Beginning on Draft page 104

10 MR. NICHOLAS: Okay. Let's
11 turn to Tab 20, Exhibit 3.

12 MR. FULLER: Thank you.
13 (Whereupon, Deposition Exhibit
14 Rafalski-3, DESC, was marked for
15 identification.)

16 BY MR. NICHOLAS:

17 Q. Have you read it?

18 A. I have.

19 Q. Okay. It's dated -- this is a
20 letter dated, or at least stamped as
21 received, on July 23rd of 1998, so some time
22 has passed since the last correspondence we
23 saw. And it's a letter from -- it's a letter
24 to Mr. Zimmerman.

25 I should say for the record,

DRAFT-105

2 Mr. Zimmerman at this time was the director
3 of regulatory compliance and security
4 services for the Bergen Brunswig Corporation.
5 That's in his letterhead.

6 And this letter is written and
7 signed by Patricia M. Good, who is now at
8 this point in time the chief liaison and
9 policy section -- the chief of the liaison
10 and policy section for the Office of
11 Diversion Control.

12 Do you see that?

13 A. I see that.

14 Q. So I guess there was a change
15 in personnel, and Ms. Good is now in this
16 position, correct?

17 A. You could draw that conclusion
18 since she now signs as the chief, yes.

19 Q. And do you know who -- do you
20 know her?

21 A. Just the name, sir, not
22 personally.

23 Q. Okay. So can you read the
24 first sentence of the letter?

25 A. This is to grant approval of

DRAFT-106

2 your request to implement on a nationwide
3 basis your newly developed system to identify
4 and report suspicious orders for controlled
5 substances and regulated chemicals as
6 required by the federal regulation.

7 Q. And read the second sentence.

8 A. DEA managers who have been
9 involved with the testing of the system have
10 relayed their positive opinions regarding its
11 ability to provide information in a fashion
12 which is not only useful overall but is also

13 responsive to the needs of individual DEA
14 offices.

15 Q. You are not familiar with this
16 letter?

17 A. I don't recall seeing this
18 letter, sir.

19 Q. Can you read the next
20 paragraph, please. It's short.

21 A. We appreciate the efforts you
22 have undertaken to develop this improved
23 system and apologize for the lengthy approval
24 process. It did not seem appropriate to
25 grant this approval prior to the conclusion

DRAFT-107

2 of the Suspicious Order Task Force formed as
3 a result of the Methamphetamine Control Act.
4 Thank you for your patience in this matter.

5 Q. Is there any doubt in your mind
6 having read this letter that the DEA
7 explicitly and in writing approved Bergen
8 Brunswick's suspicious order monitoring
9 program on a nationwide basis?

From: David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>
Sent: Wednesday, May 15, 2019 8:02 AM
To: Mike Fuller <Mike@mchughfuller.com>; 2804 Discovery, MDL
<mdl2804discovery@motleyrice.com>; MDL 2804 <MDL2804@motleyrice.com>;
xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Subject: Re: EXTERNAL-RE: MDL2804: perfidious strategerie

Mike, can you please provide me with the depo transcript portions where Ds are relying upon these docts, as you describe

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This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Mike Fuller <Mike@mchughfuller.com>
Sent: Wednesday, May 15, 2019 2:22 AM
To: 2804 Discovery, MDL; MDL 2804; David R. Cohen (David@SpecialMaster.Law);
xALLDEFENDANTS-MDL2804-Service@arnoldporter.com

xALLDEFENDANTS-MDL2804-Service@arnoldporter.com

Subject: RE: EXTERNAL-RE: MDL2804: perfidious strategerie

SM Cohen,

While Ms. Wicht is correct that Cardinal did provide the NWDA document in the prior production pursuant to CMO-1 ¶ 9(k)(ii), I think the second part of the question needs some clarity. The NWDA document which had attached the alleged DEA approval first came up in the deposition of Mr. Reardon as his explanation for why Cardinal used the ILR system. And as referenced below, ABDC used a 1998 DEA letter for “approval” of their system with expert Rafalski. What was shocking about this is the prior letter in this chain of communication between ABDC and the DEA was 2 years prior. One can imagine that there would have been additional communications on this alleged approval over the 2 year gap.

Maybe I’m missing something, but numerous defendants are using DEA communications prior to 2006 in the defense of there case. It would seem only fair that Plaintiffs are permitted to have all the communication with the DEA for this entire time period to determine if there are communications Plaintiffs want to use and so we have the entirety of communication with the DEA. If the defendants have already provided all those DEA communications this should be an easy task.

Thank you for your time,
Mike

From: 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>
Sent: Tuesday, May 14, 2019 7:11 PM
To: MDL 2804 <MDL2804@motleyrice.com>
Subject: FW: EXTERNAL-RE: MDL2804: perfidious strategerie

From: Wicht, Jennifer <JWicht@wc.com>
Sent: Wednesday, May 15, 2019 12:03:01 AM
To: David R. Cohen (David@SpecialMaster.Law); Farrell, Paul
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; 2804 Discovery, MDL; Weinberger, Peter H.
Subject: EXTERNAL-RE: MDL2804: perfidious strategerie

Special Master Cohen,

We understand your question to be: which party “affirmatively and **initially** brought up” the document in deposition(s) “and questioned deponents” about it. With respect to the NWDA document, the answer to that is, Plaintiffs did. But, even if Defendants had initially brought up the document it would be of no moment because there is nothing remarkable, unusual, or improper about its production or use. Instead, this document was produced along with any similar documents (regardless of what party it supports) because the Court’s orders required production. Had Cardinal Health not produced this document and included it in its discovery responses, there is no doubt Mr. Farrell would be objecting on that basis.

For additional context, we provide the following background concerning how this NWDA document became part of this litigation, outside of the deposition context. Cardinal Health first produced this document in this litigation pursuant to the obligation under Case Management Order No. 1 to produce documents “previously produced” that are “relevant to the claims in this MDL proceeding.” See CMO-1 ¶ 9(k)(ii). Because the document had been produced by Cardinal Health in a prior DEA action, it was reproduced here in the very early days of discovery. Subsequently, the same document was produced because it was attached to a 2011 email and hit on agreed-upon search terms in the custodial file of Mr. Robert Giacalone, an agreed custodian in this case. Cardinal Health also produced standalone electronic copies of this document where the metadata reflected a date within the relevant period, most likely because a pdf of the document was created or saved on that date. Thus, there has been no attempt by Cardinal Health to go selectively beyond the dates ordered by the Court because this document fell within the Court’s orders.

Cardinal Health identified the NWDA document in question in our January 22, 2019 Supplemental Response to Plaintiffs’ Combined Discovery Request No. 2, which sought the identification by Bates number of all Cardinal Health SOMS policies and procedures since January 2006. Cardinal Health identified this document as part of its explanation for the Suspicious Order Monitoring system it had in place in 2006, consistent with the guidance from your September 30, 2018 Ruling that defendants must produce documents “related to Suspicious Order Monitoring Systems (“SOMS”) that were in place in 2006 or thereafter, even if the documents are older than that.” Your Ruling goes on to state that “while the Special Master will not order defendants to produce pre-2006 controlled substance monitoring policies, customer due diligence files, or DEA files, defendants should consider producing them anyway if they intend to rely on them at trial.”

Besides appropriately identifying this document as part of its explanation of Cardinal Health’s 2006 SOMS policies and procedures, Cardinal Health has not introduced this document as an exhibit at any deposition to date (although undoubtedly it would be within its rights to do so). As stated in our prior response, Plaintiffs introduced this document in the depositions of Kyle Wright, Thomas Prevoznik, and Patrick Kelly.

Mr. Farrell’s attempt to expand discovery prior to 2006 is baseless. There has been no “gamesmanship” and there has been no attempt to “hand select certain documents for the record.” Respectfully, the timeframe for discovery was extended well beyond what Defendants believe is necessary or appropriate. But, the fact that Defendants produced the documents Mr. Farrell sought over Defendants’ objections is no basis to request late production of even more documents. Nor can Mr. Farrell claim surprise, as this document was first produced to Plaintiffs on June 22, 2018.

Please let us know if you would like more information from us on this matter.

Jennifer G. Wicht
Williams & Connolly LLP
725 Twelfth Street, N.W., Washington, DC 20005
(P) 202-434-5331 | (F) 202-434-5029
jwicht@wc.com | www.wc.com/jwicht

From: David R. Cohen (David@SpecialMaster.Law) [<mailto:david@specialmaster.law>]
Sent: Tuesday, May 14, 2019 12:59 PM
To: Wicht, Jennifer <JWicht@wc.com>; David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>; Paul Farrell <Paul@Greeneketchum.com>
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; mdl2804discovery@motleyrice.com; PWeinberger@spanglaw.com
Subject: Re: MDL2804: perfidious strategerie

Paul's email seems to indicate Ds affirmatively and *initially* brought up these "old" DEA-related exhibits and questioned deponents about them. If it was actually Ps who first brought them up in depo and Ds then asked about them later, that is very different. If Paul is correct that it was Ds who first brought up these docs, however, then we may have an issue. I need clarification.

-d

=====

This email sent from:
 David R. Cohen Co. LPA
 24400 Chagrin Blvd., Suite 300
 Cleveland, OH 44122
 216-831-0001 tel
 866-357-3535 fax
www.SpecialMaster.law

From: Wicht, Jennifer <JWicht@wc.com>
Sent: Tuesday, May 14, 2019 11:42 AM
To: David R. Cohen (David@SpecialMaster.Law); Paul Farrell
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; mdl2804discovery@motleyrice.com; PWeinberger@spanglaw.com
Subject: RE: MDL2804: perfidious strategerie

Special Master Cohen,

We believe Mr. Farrell likely is referring to a 1984 NWDA document from Cardinal Health's production. This document was produced because it was attached to a 2011 email and hit on agreed-upon search terms in the custodial file of Mr. Robert Giacalone, an agreed custodian in this case. Cardinal Health also produced standalone electronic copies of this document where the metadata reflected a date within the relevant period, most likely because a pdf of the document was created or saved on that date. This production in no way evidences any effort by Cardinal Health to selectively produce documents from before the 1/1/2006 discovery cut-off. Cardinal Health has not contradicted nor sought to contradict any discovery position we have taken in this matter. Rather, we have produced documents in accordance with the orders in this case. Had Mr. Farrell availed himself of the required meet and confer procedures before launching an email to the Special Master, we would have clarified this.

In fact, we believe the only use of this document to date has been by plaintiffs – it was introduced by plaintiffs as an exhibit in the depositions of Patrick Kelly, Kyle Wright, and

Thomas Prevoznik (by Mr. Farrell himself).

Please let us know if you would like more information from us on this matter.

Thank you,

Jennifer G. Wicht
Williams & Connolly LLP
725 Twelfth Street, N.W., Washington, DC 20005
(P) 202-434-5331 | (F) 202-434-5029
jwicht@wc.com | www.wc.com/jwicht

From: David R. Cohen (David@SpecialMaster.Law) [<mailto:david@specialmaster.law>]
Sent: Monday, May 13, 2019 5:37 PM
To: Paul Farrell <Paul@Greeneketchum.com>
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com;
mdl2804discovery@motleyrice.com; PWeinberger@spanglaw.com
Subject: Re: MDL2804: perfidious strategerie

External E-mail

I need to understand what is going on here. I think Plaintiffs are saying Cardinal and ABDC used as exhibits, during depositions, certain communications they had with DEA regarding SOMS that date back well before 2006. Were these documents produced by defendants during discovery? I ask Ds to respond asap to this question and to Ps' email.

-d

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This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Paul Farrell <Paul@Greeneketchum.com>
Sent: Monday, May 13, 2019 4:36 PM
To: David Cohen
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com;
mdl2804discovery@motleyrice.com; PWeinberger@spanglaw.com
Subject: MDL2804: perfidious strategerie

SM Cohen,

Plaintiffs request you order ALL defendants to disclose ALL communications with DEA regarding SOMS dating back to 1980 no later than close of business Thursday.

DR2 and DR3 (attached) limited the temporal scope of discovery, at the request of the defendants, to 2006. Nonetheless, Cardinal Health has introduced DEA communications dating back to 1984 and AmerisourceBergen cross examined our SOMS liability expert witness today on DEA communications dating back to 1996.

It seems patently unfair for defendants to block affirmative discovery prior to 2006 and then hand select certain documents for the record (especially when taken out of context). Nonetheless, we are far down this road and will remedy the gamesmanship in CT2 discovery. In the meantime, we ask that you mandate the disclosure of ALL communications with the DEA pertaining to SOMS before day3 of the DEA Prevosnik deposition scheduled for Friday, May 17 wherein we intend to set the record straight.

Paul T. Farrell, Jr., Esq.

Greene Ketchum

[419 Eleventh Street](#)

[Huntington, WV 25701](#)

phone: [304.525.9115](#)

[800.479.0053](#)

facsimile: [304.529.3284](#)

email: paul@greeneketchum.com

"Facts are stubborn things."

-John Adams

President of the United States.

Trial lawyer.

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2018-11-30 -
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track One Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**AMERISOURCEBERGEN DRUG CORPORATION'S
SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFFS'
COMBINED DISCOVERY REQUESTS**

Pursuant to the Court's Order dated November 21, 2018, AmerisourceBergen Drug Corporation (ABDC) re-asserts and supplements its responses to Plaintiffs' Combined Discovery Requests.

Contrary to representations made by the Plaintiffs Executive Committee (PEC) at the hearing before the Court on November 20, 2018, ABDC already provided substantive responses to Plaintiffs' (First) Combined Discovery Requests on July 31, 2018. Pursuant to the direction of Special Master Cohen, ABDC's responses identified documents produced by ABDC that contain responsive information. At no time prior to the November 20, 2018 hearing did the PEC, or ABDC's assigned discovery handlers, contend that ABDC's responses to Plaintiffs' Combined Discovery Requests were deficient.

The PEC's suggestion that ABDC has not produced information relating to its Suspicious Order Monitoring System (SOMS) is simply wrong. As set forth below, ABDC has produced a significant amount of detailed information relating to its SOMS; that previously-produced information is directly responsive to the below requests. *See* ABDC Production Log attached hereto. Notably, on June 1, 2018, ABDC produced a twenty-five page Memorandum (Bates

Nos. ABDCMDL00004578-4602) that described in detail the operations and functionality of both ABDC's Legacy (Past) Diversion Control Program (2007-2014) and Current Diversion Control Program (2014 to the present). This Memorandum – which Plaintiffs have possessed for almost *six months* – provides a narrative description, along with 502 pages of corresponding exhibits, reflecting, among other things, ABDC's Policies and Procedures, Training and Education, New Customer Due Diligence, Order Monitoring Program, Resource and Oversight, Ongoing Monitoring and External Review that were associated with both the Legacy and Current Diversion Control Programs. *See* ABDCMDL00004603-5104.

In addition, ABDC has searched for, identified and already produced to Plaintiffs documents relating to ABDC's SOMS in effect from approximately 1998 to 2007, including, but not limited to, communications with the DEA in which DEA grants approval for that 1998 system. *See* ABDCMDL00269347-269358.

Finally, ABDC has made available (and continues to make available) its employees (current and former) from the Corporate Securities and Regulatory Affairs Department who are (or were) responsible for ABDC's diversion control programs:

Name	Title	Deposition Date
Chris Zimmerman	Senior Vice President of Corporate Security & Regulatory Affairs and Chief Compliance Officer (formerly Vice President of Corporate Security & Regulatory Affairs)	August 4, 2018
David May	Vice President of Diversion Control & Security (formerly Senior Director, Diversion Control & Federal Investigations)	August 3, 2018
Steve Mays	Senior Director, Corporate Security & Regulatory Affairs	October 24, 2018

Name	Title	Deposition Date
Edward Hazewski	Director of Diversion Control & Security (formerly Manager of the Diversion Control Program (2008-2016) and Director Security Systems & Services (2016-2018))	October 25, 2018
Bruce Gundy	Director of Investigations & Security	November 7, 2018
Eric Cherveney	Director of Diversion Control & Security	November 9, 2018
Sharon Hartman	Director of Pharmacy Compliance & Diversion Control	November 29, 2018
Kevin Kreutzer	Diversion Control Investigator	November 27, 2018
Nikki Seckinger	Diversion Control Investigator	December 12, 2018 (confirmed)
Elizabeth Garcia	Diversion Control Investigator (former)	December 14, 2018 (confirmed)

Plaintiffs have deposed (or will depose) these witnesses and have obtained hours of testimony from these witnesses concerning the functionality of ABDC's diversion control programs. In particular, Chris Zimmerman and David May, who were deposed as both fact and 30(b)(6) witnesses, were designated and deposed as corporate witnesses on a wide range of topics relating to ABDC's SOMS for the period of 2006 to 2018. Thus, there is absolutely no basis for PEC's suggestion to the Court that ABDC has not already provided information about its diversion control programs.

In addition to the above, ABDC supplements its responses to Nos. 2-7 of Plaintiffs' Combined Discovery Requests as follows.

OBJECTIONS AND RESPONSES

ABDC incorporates herein by reference its General Objections, Objections to Definitions and Instructions, and Reservation of Rights as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests.

COMBINED DISCOVERY REQUESTS

Request No. 2. Please produce each of your *Suspicious Order Monitoring System (SOMS)* policies and procedures since January 1, 2006 and identify the Bates stamp range for each; please identify the effective date(s) each was in force and effect.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests.

Subject to and without waiving its objections, to the extent that it possesses such information, ABDC has produced its Order Monitoring Program policies and procedures in effect during the period from January 1, 2006 to May 29, 2018 at ABDCMDL00000011-ABDCMDL00000190; ABDCMDL00002169-ABDCMDL00002231; ABDCMDL00002261-ABDCMDL00002440; ABDCMDL00002642-ABDCMDL00002704; ABDCMDL00002713-ABDCMDL00002785; ABDCMDL00003039-ABDCMDL00003087; ABDCMDL00003089-ABDCMDL00003115; ABDCMDL00003117-ABDCMDL00003135; ABDCMDL00003220-ABDCMDL00003355; ABDCMDL00003367-ABDCMDL00003502; ABDCMDL00003686-ABDCMDL00003746; ABDCMDL00003949-ABDCMDL00004095; ABDCMDL00004264-ABDCMDL00004326; ABDCMDL00004481-ABDCMDL00004553; ABDCMDL00017004-ABDCMDL00017085; ABDCMDL00035379-ABDCMDL00035408; ABDCMDL00035418-

ABDCMDL00035430; ABDCMDL00035445-ABDCMDL00035461; ABDCMDL00035500-
 ABDCMDL00035529; ABDCMDL00035535-ABDCMDL00035537; ABDCMDL00035707-
 ABDCMDL00035709; ABDCMDL00037316-ABDCMDL00037400; ABDCMDL00169890-
 ABDCMDL00170123; ABDCMDL00172093-ABDCMDL00172134; ABDCMDL00355517-
 ABDCMDL00355598; ABDCMDL00355611-ABDCMDL00355620; ABDCMDL00359842-
 ABDCMDL00360025; ABDCMDL00360029-ABDCMDL00360034; ABDCMDL00360182-
 ABDCMDL00360193; ABDCMDL00360208-ABDCMDL00360228; ABDCMDL00360276-
 ABDCMDL00360313; ABDCMDL00364267-ABDCMDL00364390.¹

Request No. 3. Please identify and describe each *suspicious order* your Suspicious Order Monitoring System (SOMS) identified since January 1, 2006 and produce all documents related thereto; please identify the Bates stamp range for each related to *Case Track One*.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests. ABDC further objects to this Combined Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of information or documents relevant to any claim or defense in this action to the extent that it is not limited to ABDC's distribution of Opioids to Cuyahoga or Summit Counties in Ohio, or, more specifically, ABDC's distribution of Opioids to pharmacies or healthcare providers in Summit or Cuyahoga Counties in Ohio that are alleged to have actually diverted Opioids resulting in purported harm to Plaintiffs. ABDC further objects to this Combined Request to the extent it implies that an order flagged by ABDC's Order Monitoring Program is a "suspicious order." To the contrary, once an

¹ In addition to the above-listed documents, responsive documents found within custodial files have also been produced.

order is flagged by ABDC's Order Monitoring Program for further review, it is further reviewed to determine whether it is "suspicious."

Subject to and without waiving its objections, to the extent that it possesses such information, ABDC has produced Documents sufficient to identify orders flagged by ABDC's Order Monitoring Program for further review, as well as orders that were determined to be suspicious and reported to the DEA, from July 1, 2007 to May 29, 2018, relating to its distribution and sale of Opioids in Cuyahoga or Summit Counties in Ohio at ABDCMDL00279836-ABDCMDL00279838 (2012-2018: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00279840-ABDCMDL00279841 (2007-2012: Summit County); ABDCMDL00279843-ABDCMDL00279844 (2007-2012: Cuyahoga County); ABDCMDL00279846-ABDCMDL00279847 (2007-2012: City of Cleveland); ABDCMDL00308068-ABDCMDL00308070 (2007-2012: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00355865 (April 2018-May 2018: Cuyahoga County, Summit County, City of Cleveland). After a reasonable investigation, ABDC has not located documents that reflect the suspicious orders it reported to the DEA prior to July 1, 2007.

Request No. 4. Please identify each suspicious order you *reported* to the DEA since January 1, 1996 and produce all documents related thereto; please identify the Bates stamp range for each related to *Case Track One*.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests. ABDC further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of information or documents relevant to

any claim or defense in this action to the extent that it is not limited to ABDC's distribution of Opioids to Cuyahoga or Summit Counties in Ohio, or, more specifically, ABDC's distribution of Opioids to pharmacies or healthcare providers in Summit or Cuyahoga Counties in Ohio that are alleged to have actually diverted Opioids resulting in purported harm to Plaintiffs.

Subject to and without waiving its objections, to the extent that it possesses such information or that such information can be retrieved without unreasonable burden, for the period from July 1, 2007 to May 29, 2018, ABDC has produced Documents sufficient to identify suspicious orders reported to the DEA relating to its distribution and sale of Opioids in Cuyahoga or Summit Counties in Ohio at ABDCMDL00279836-ABDCMDL00279838 (2012-2018: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00279841 (2007-2012: Summit County); ABDCMDL00279844 (2007-2012: Cuyahoga County); ABDCMDL00279847 (2007-2012: City of Cleveland); ABDCMDL00355865 (April 2018-May 2018: Cuyahoga County, Summit County, City of Cleveland). In addition to the above-listed documents, responsive documents can be found within ABDC's productions of the CSRA Share Drive, LawTrac, Matter Management System, Tableau files, and custodial files. After a reasonable investigation, ABDC has not located documents that reflect the suspicious orders it reported to DEA prior to July 1, 2007.

Request No. 5. For each suspicious order you identified but did not report to the DEA since January 1, 2006, please describe in as much detail as possible the reasons and produce all documents related thereto; please identify the Bates stamp range for each related to *Case Track One*.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined

Discovery Requests. ABDC further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of information or documents relevant to any claim or defense in this action to the extent that it is not limited to ABDC's distribution of Opioids to Cuyahoga or Summit Counties in Ohio, or, more specifically, ABDC's distribution of Opioids to pharmacies or healthcare providers in Summit or Cuyahoga Counties in Ohio that are alleged to have actually diverted Opioids resulting in purported harm to Plaintiffs. ABDC further objects to this Combined Request to the extent it implies that an order flagged by ABDC's Order Monitoring Program is a "suspicious order." To the contrary, once an order is flagged by ABDC's Order Monitoring Program for further review, it is further reviewed to determine whether it is "suspicious."

Subject to and without waiving its objections, ABDC states that it reports all orders determined to be suspicious to the DEA, and that after reasonable investigation, it is not aware of any orders identified as suspicious that were not reported to DEA. By way of further response, ABDC has produced Documents sufficient to identify the action taken for orders flagged by ABDC's Order Monitoring Program for further review from July 1, 2007 to May 29, 2018, relating to its distribution and sale of Opioids in Cuyahoga or Summit Counties in Ohio at ABDCMDL00279836-ABDCMDL00279838 (2012-2018: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00279840-ABDCMDL00279841 (2007-2012: Summit County); ABDCMDL00279843-ABDCMDL00279844 (2007-2012: Cuyahoga County); ABDCMDL00279846-ABDCMDL00279847 (2007-2012: City of Cleveland); ABDCMDL00308068-ABDCMDL00308070 (2007-2012: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00355865 (April 2018-May 2018: Cuyahoga County, Summit

County, City of Cleveland). After a reasonable investigation, ABDC has not located documents that reflect its Order Monitoring Program data prior to July 1, 2007.

Request No. 6. For each suspicious order your reported to the DEA since January 1, 2006, please identify whether you declined the order or *shipped* the order and produce all documents related thereto; please identify the Bates stamp range for each related to *Case Track One*.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests. ABDC further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of information or documents relevant to any claim or defense in this action to the extent that it is not limited to ABDC's distribution of Opioids to Cuyahoga or Summit Counties in Ohio, or, more specifically, ABDC's distribution of Opioids to pharmacies or healthcare providers in Summit or Cuyahoga Counties in Ohio that are alleged to have actually diverted Opioids resulting in purported harm to Plaintiffs. ABDC further objects to this Combined Request to the extent it implies that an order flagged by ABDC's Order Monitoring Program is a "suspicious order." To the contrary, once an order is flagged by ABDC's Order Monitoring Program for further review, it is further reviewed to determine whether it is "suspicious." ABDC further objects to this Request to the extent it suggests that there is a "Shipping Requirement" in the relevant federal regulations.

Subject to and without waiving its objections, ABDC states that after reasonable investigation, for the period from July 1, 2007 to May 29, 2018, it is not aware of any orders determined to be suspicious that were shipped to a customer. By way of further response, ABDC has produced Documents sufficient to identify the action taken for orders flagged by ABDC's

Order Monitoring Program for further review from July 1, 2007 to May 29, 2018, relating to its distribution and sale of Opioids in Cuyahoga or Summit Counties in Ohio at ABDCMDL00279836-ABDCMDL00279838 (2012-2018: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00279840-ABDCMDL00279841 (2007-2012: Summit County); ABDCMDL00279843-ABDCMDL00279844 (2007-2012: Cuyahoga County); ABDCMDL00279846-ABDCMDL00279847 (2007-2012: City of Cleveland); ABDCMDL00308068-ABDCMDL00308070 (2007-2012: Cuyahoga County, Summit County, City of Cleveland); ABDCMDL00355865 (April 2018-May 2018: Cuyahoga County, Summit County, City of Cleveland). After a reasonable investigation, ABDC has not located documents that reflect its Order Monitoring Program data prior to July 1, 2007.

Request No. 7. For each suspicious order you reported and then shipped since January 1, 2006, please produce all documents related to your "*due diligence*" for each; please identify the Bates stamp range for each related to *Case Track One*.

RESPONSE:

ABDC incorporates herein by reference its General Objections and Objections to Definitions and Instructions as set forth in its Objections and Responses to Plaintiffs' Combined Discovery Requests. ABDC further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of information or documents relevant to any claim or defense in this action to the extent that it is not limited to ABDC's distribution of Opioids to Cuyahoga or Summit Counties in Ohio, or, more specifically, ABDC's distribution of Opioids to pharmacies or healthcare providers in Summit or Cuyahoga Counties in Ohio that are alleged to have actually diverted Opioids resulting in purported harm to Plaintiffs. ABDC further objects to this Request to the extent it suggests that there is a "Shipping Requirement" in the relevant federal regulations.

Subject to and without waiving its objections, ABDC incorporates by references its response to Combined Discovery Request No. 6. After a reasonable investigation, ABDC has not located documents that reflect its Order Monitoring Program data prior to July 1, 2007. ABDC further states that after reasonable investigation, for the period from July 1, 2007 to May 29, 2018, it is not aware of any orders identified as suspicious that were shipped to a customer.

Dated: November 30, 2018

Respectfully submitted,

/s Robert A. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH LLP

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Phone: (215) 851-8100

RNicholas@ReedSmith.com

SMcClure@ReedSmith.com

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2018, the foregoing was sent by electronic mail to Counsel for the Plaintiffs and Defendants as follows:

Plaintiffs' Designated Distribution List:

mdl2804discovery@motleyrice.com

Defendants' Designated Distribution List:

xALLDEFENDANTS-MDL2804-Service@arnoldporter.com

/s Robert A. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH LLP

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Phone: (215) 851-8100

RNicholas@ReedSmith.com

SMcClure@ReedSmith.com

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL001	ABDCMDL000000001	ABDCMDL00002155	Prior Production: Multistate Attorneys General	6/1/2018
ABDCMDL_VOL002	ABDCMDL00002156	ABDCMDL00002248	Prior Production: New Hampshire Attorney General	6/1/2018
ABDCMDL_VOL003	ABDCMDL00002249	ABDCMDL00002256	Prior Production: Mississippi Board of Pharmacy	6/1/2018
ABDCMDL_VOL004	ABDCMDL00002257	ABDCMDL00002260	Prior Production: Mississippi Attorney General	6/1/2018
ABDCMDL_VOL005	ABDCMDL00002261	ABDCMDL00002639	Prior Production: New Jersey Attorney General	6/1/2018
ABDCMDL_VOL006	ABDCMDL00002640	ABDCMDL00003219	Prior Production: Indiana Attorney General	6/1/2018
ABDCMDL_VOL007	ABDCMDL00003220	ABDCMDL00003366	Prior Production: Lake County, IL State's Attorney's Office	6/1/2018
ABDCMDL_VOL008	ABDCMDL00003367	ABDCMDL00003746	Prior Production: Alaska Attorney General	6/1/2018
ABDCMDL_VOL009	ABDCMDL00003747	ABDCMDL00003748	Prior Production: United States Senate Committee on Homeland Security and Governmental Affairs	6/1/2018
ABDCMDL_VOL010	ABDCMDL00003749	ABDCMDL00004230	Prior Production: United States House of Representatives Committee on Energy and Commerce	6/1/2018

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL011	ABDCMDL00004231	ABDCMDL00005106	Prior Production: South Carolina Attorney General	6/11/2018
ABDCMDL_VOL012	ABDCMDL00005107	ABDCMDL00017003	Prior Production: DOJ and DEA Subpoena from District of New Jersey	6/11/2018
ABDCMDL_VOL013	ABDCMDL00017004	ABDCMDL00035365	Prior Production: DOJ and DEA Subpoena from Denver, CO Field Office	6/11/2018
ABDCMDL_VOL014	ABDCMDL00035366	ABDCMDL00037251	Prior Production: <i>State of West Virginia ex rel. v. AmerisourceBergen Drug Corporation, et al.</i> , No. 12-C-141 (W. Va. Cir. Ct. – Boone Cnty.)	6/11/2018
ABDCMDL_VOL015	ABDCMDL00037252	ABDCMDL00037315	Prior Production: Multistate Attorneys General	6/11/2018
ABDCMDL_VOL016	ABDCMDL00037316	ABDCMDL00037401	Prior Production: DOJ and DEA Subpoena from Northern District of West Virginia	6/11/2018
ABDCMDL_VOL017	ABDCMDL00037402	ABDCMDL00037418	Documents responsive to MDL Plaintiffs' Requests for Production Nos. 32-33 and Interrogatory No. 3	6/11/2018
ABDCMDL_VOL018	ABDCMDL00037419	ABDCMDL00037427	Prior Production: Privilege logs produced in connection with documents productions responsive to Paragraph 9(k)(ii) of MDL CMO No. 1	6/11/2018

- 2 -
CONFIDENTIAL

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL019	ABDCMDL00037428	ABDCMDL00043354	Insurance agreements and insurance coverage charts	6/14/2018
ABDCMDL_VOL020	ABDCMDL00043355	ABDCMDL00044996	Documents responsive to MDL Plaintiffs' Requests for Production and Interrogatories	7/3/2018
ABDCMDL_VOL021	ABDCMDL00044997	ABDCMDL00047016	Distribution agreements between ABDC and pharmaceutical manufacturers; Transactional, Order Monitoring Program, and Suspicious Order Reporting data for the State of Ohio for 2007-2017; Deposition transcripts and exhibits from <i>State of West Virginia ex rel. v. AmerisourceBergen Drug Corporation, et al.</i> , No. 12-C-141 (W. Va. Cir. Ct. – Boone Cnty.).	7/13/2018
ABDCMDL_VOL022	ABDCMDL00047017	ABDCMDL00155325	Custodial files from Eric Cherveney	7/20/2018
ABDCMDL_VOL023	ABDCMDL00155326	ABDCMDL00169849	Custodial files from David May	7/20/2018
ABDCMDL_VOL024	ABDCMDL00169850	ABDCMDL00172134	ABDC Annual Plans; Track One Customer Order Monitoring Program Thresholds; Industry Group Payment Information; Files collected from Corporate Security and Regulatory Affairs Share Drive	7/20/2018
ABDCMDL_VOL025	ABDCMDL00172135	ABDCMDL00248588	Custodial files from Eric Cherveney	7/27/2018
ABDCMDL_VOL026	ABDCMDL00248589	ABDCMDL00264103	Custodial files from David May	7/27/2018

- 3 -
CONFIDENTIAL

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL027	ABDCMDL00264104	ABDCMDL00279650	Custodial files from Chris Zimmerman	7/27/2018
ABDCMDL_VOL028	ABDCMDL00279651	ABDCMDL00279853	Suspicious Order Reports to Ohio BOP; Track One Customer Order Monitoring Program Thresholds; Transactional, Order Monitoring Program, and Suspicious Order Reporting data for Track One Customers	7/27/2018
ABDCMDL_VOL024a	ABDCMDL00169888	ABDCMDL00169888	Replacement copy of native file spreadsheet containing errant "Privileged & Confidential – Attorney Client Work Product" footer	7/30/2018
ABDCMDL_VOL029	ABDCMDL00279854	ABDCMDL00279865	Settlement and Release Agreement entered into between DEA and ABDC	7/30/2018
ABDCMDL_VOL023_Clawback; ABDCMDL_VOL025_Clawback; ABDCMDL_VOL030	ABDCMDL00279866	ABDCMDL00279884	Claw back and reproduction of documents pursuant to August 2, 2018 letter	8/2/2018
ABDCMDL_VOL_Clawback24; ABDCMDL_VOL_Clawback26; ABDCMDL_VOL_Clawback27; ABDCMDL_VOL031	ABDCMDL00279885	ABDCMDL00280022	Claw back and reproduction of documents pursuant to August 3, 2018 letter	8/4/2018
ABDCMDL_VOL026_CLAWBACK; ABDCMDL_VOL027_CLAWBACK; ABDCMDL_VOL027_OVERLAY_ CLAWBACKS_2; ABDCMDL_VOL032	ABDCMDL00280023	ABDCMDL00280046	Claw back and reproduction of documents pursuant to August 10, 2018 letter	8/14/2018

- 4 -

CONFIDENTIAL

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL033	ABDCMDL00280047	ABDCMDL00280635	Track One Customer Due Diligence Files; Track One Customer Prime Vendor Agreements	8/14/2018
ABDCMDL_VOL034	ABDCMDL00280636	ABDCMDL00281093	Custodial files from Ed Hazewski	8/17/2018
ABDCMDL_VOL035	ABDCMDL00281094	ABDCMDL00281211	Custodial files from Eric Cherveney	8/17/2018
ABDCMDL_VOL036	ABDCMDL00281212	ABDCMDL00281307	Files collected from Corporate Security and Regulatory Affairs Share Drive	8/17/2018
ABDCMDL_VOL037	ABDCMDL00281308	ABDCMDL00282047	Track One Customer Due Diligence Files	8/17/2018
ABDCMDL_VOL038	ABDCMDL00282048	ABDCMDL00282071	Track One Customer Due Diligence Files	8/24/2018
ABDCMDL_VOL039	ABDCMDL00282072	ABDCMDL00282757	Custodial files from Ed Hazewski	8/24/2018
ABDCMDL_VOL040	ABDCMDL00282758	ABDCMDL00285562	Custodial files from Steve Mays	8/24/2018
ABDCMDL_VOL041	ABDCMDL00285563	ABDCMDL00287855	Custodial files from Ed Hazewski	8/31/2018
ABDCMDL_VOL042	ABDCMDL00287856	ABDCMDL00289536	Custodial files from Steve Mays	8/31/2018
ABDCMDL_VOL043	ABDCMDL00289537	ABDCMDL00291162	Custodial files from Sharon Hartman	8/31/2018
ABDCMDL_VOL044	ABDCMDL00291163	ABDCMDL00295167	Custodial files from Steve Mays	9/7/2018
ABDCMDL_VOL045	ABDCMDL00295168	ABDCMDL00295613	Custodial files from Sharon Hartman	9/7/2018
ABDCMDL_VOL046	ABDCMDL00295614	ABDCMDL00298458	Custodial files from Elizabeth Garcia	9/7/2018
ABDCMDL_VOL048	ABDCMDL00298788	ABDCMDL00300250	Custodial files from Emily Coldren	9/20/2018
ABDCMDL_VOL049	ABDCMDL00300251	ABDCMDL00301209	Custodial files from Steve Mays	9/20/2018
ABDCMDL_VOL050	ABDCMDL00301210	ABDCMDL00302542	Files collected from Corporate Security and Regulatory Affairs Share Drive; 2006 Cuyahoga County transactional data	9/21/2018
ABDCMDL_VOL051	ABDCMDL00302543	ABDCMDL00304902	Custodial files from Kevin Kreutzer	9/21/2018

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL022_Clawback; ABDCMDL_VOL023_Clawback02; ABDCMDL_VOL024_Clawback02; ABDCMDL_VOL025_Clawback02; ABDCMDL_VOL026_Clawback03	ABDCMDL00298653	ABDCMDL00298787	Claw back and reproduction of documents pursuant to September 25, 2018 letter	9/25/2018
ABDCMDL_VOL052	ABDCMDL00304903	ABDCMDL00306357	Custodial files from Eric Cherveny	9/27/2018
ABDCMDL_VOL034R	ABDCMDL00280636	ABDCMDL00281093	Replacement production of ABDCMDL_VOL034 originally produced on August 17, 2018	9/27/2018
ABDCMDL_VOL053	ABDCMDL00306358	ABDCMDL00306727	Custodial files from Ed Hazewski	9/28/2018
ABDCMDL_VOL054	ABDCMDL00306728	ABDCMDL00306729	2005 Cuyahoga County transactional data	9/28/2018
ABDCMDL_VOL055	ABDCMDL00306730	ABDCMDL00308067	2006 Summit County transactional data	10/5/2018
ABDCMDL_VOL056	ABDCMDL00308068	ABDCMDL00308071	Custodial files from Steve Mays	10/5/2018
ABDCMDL_VOL057	ABDCMDL00308072	ABDCMDL00313547	2005 Summit County transactional data; Additional CSRA Reports from Legacy OMP	10/10/2018
ABDCMDL_VOL058	ABDCMDL00313548	ABDCMDL00313652	Custodial files from Steve Mays	10/11/2018
ABDCMDL_VOL059	ABDCMDL00313653	ABDCMDL00313654	Custodial files from Eric Cherveny	10/12/2018
ABDCMDL_VOL060	ABDCMDL00313655	ABDCMDL00315005	2004 Cuyahoga and Summit County transactional data	10/22/2018
ABDCMDL_VOL061	ABDCMDL00315006	ABDCMDL00315782	Custodial files from Bruce Gundy	10/22/2018
ABDCMDL_VOL062	ABDCMDL00315783	ABDCMDL00316110	Custodial files from Nikki Seckinger	10/23/2018
ABDCMDL_VOL063	ABDCMDL00316111	ABDCMDL00316114	Hard copy documents reflecting communications with the DEA	10/23/2018
ABDCMDL_VOL064	ABDCMDL00316115	ABDCMDL00316680	June 1, 2002 to December 31, 2003 Cuyahoga and Summit County transactional data	10/24/2018
ABDCMDL_VOL065	ABDCMDL00316681	ABDCMDL00316952	Custodial files from David May	10/24/2018
ABDCMDL_VOL066	ABDCMDL00316953	ABDCMDL00317472	Custodial files from Chris Zimmerman	10/24/2018
ABDCMDL_VOL067	ABDCMDL00317473	ABDCMDL00317898	Custodial files from Elizabeth Garcia	10/24/2018
			Custodial files from Kevin Kreutzer	10/24/2018

- 6 -

CONFIDENTIAL

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL068	ABDCMDL00317899	ABDCMDL00318209	Custodial files from Emily Coldren	10/24/2018
ABDCMDL_VOL069	ABDCMDL00318210	ABDCMDL00318356	Custodial files from Sharon Hartman	10/25/2018
ABDCMDL_VOL070	ABDCMDL00318357	ABDCMDL00318377	Custodial files from Teresa Javier	10/25/2018
ABDCMDL_VOL071	ABDCMDL00318378	ABDCMDL00318830	Custodial files from Nathan Elkins	10/25/2018
ABDCMDL_VOL072	ABDCMDL00318831	ABDCMDL00319191	Custodial files from Damacio Rodriguez	10/25/2018
ABDCMDL_VOL073	ABDCMDL00319192	ABDCMDL00319262	Custodial files from Gabriel Weissman	10/25/2018
ABDCMDL_VOL074	ABDCMDL00319263	ABDCMDL00319410	Custodial files from Amy Illig	10/25/2018
ABDCMDL_VOL075	ABDCMDL00319411	ABDCMDL00319585	Custodial files from Kayla Kessler	10/25/2018
ABDCMDL_VOL076	ABDCMDL00319586	ABDCMDL00319720	Custodial files from Connor Nell	10/25/2018
ABDCMDL_VOL077	ABDCMDL00319721	ABDCMDL00320231	Custodial files from Celia Weber	10/25/2018
ABDCMDL_VOL078	ABDCMDL00320232	ABDCMDL00320238	Custodial files from Valerie Johnson	10/25/2018
ABDCMDL_VOL079	ABDCMDL00320239	ABDCMDL00322576	Custodial files from Rita Norton	10/25/2018
ABDCMDL_VOL080	ABDCMDL00322577	ABDCMDL00322856	Custodial files from Kristen Perkins	10/25/2018
ABDCMDL_VOL081	ABDCMDL00322857	ABDCMDL00322977	Custodial files from David Breitmayer	10/25/2018
ABDCMDL_VOL082	ABDCMDL00322978	ABDCMDL00323468	Custodial files from Mathew Hurless	10/25/2018
ABDCMDL_VOL083	ABDCMDL00323469	ABDCMDL00323618	Custodial files from James Schuster	10/25/2018
ABDCMDL_VOL084	ABDCMDL00323619	ABDCMDL00323656	Custodial files from Hillary Knepper	10/26/2018
ABDCMDL_VOL085	ABDCMDL00323657	ABDCMDL00323822	Custodial files from John Bryant	10/26/2018
ABDCMDL_VOL086	ABDCMDL00323823	ABDCMDL00323864	Custodial files from Ashley Moore	10/26/2018
ABDCMDL_VOL087	ABDCMDL00323865	ABDCMDL00325800	Custodial files from Lisa Bowes	10/26/2018
ABDCMDL_VOL088	ABDCMDL00325801	ABDCMDL00325940	Custodial files from Julie Hinman (Papa)	10/26/2018
ABDCMDL_VOL089	ABDCMDL00325941	ABDCMDL00326923	Custodial files from Tennille Ashworth	10/26/2018
ABDCMDL_VOL090	ABDCMDL00326924	ABDCMDL00327687	Custodial files from Ronald Kline	10/26/2018
ABDCMDL_VOL091	ABDCMDL00327688	ABDCMDL00329092	Custodial files from Jill Jackson	10/26/2018
ABDCMDL_VOL092	ABDCMDL00329093	ABDCMDL00331090	Custodial files from Sarah Read	10/26/2018
ABDCMDL_VOL093	ABDCMDL00331091	ABDCMDL00336745	Custodial files from Joseph Tomkiewicz	10/26/2018
ABDCMDL_VOL094	ABDCMDL00336746	ABDCMDL00337410	Custodial files from Carol Sherman-Hynes	10/26/2018
ABDCMDL_VOL095	ABDCMDL00337411	ABDCMDL00343514	Custodial files from Carli Kissling	10/26/2018
ABDCMDL_VOL096	ABDCMDL00343515	ABDCMDL00352181	Custodial files from Gregory Hamilton	10/26/2018
ABDCMDL_VOL097	ABDCMDL00352182	ABDCMDL00355513	Custodial files from Marcelino Guerreiro	10/26/2018

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL098	ABDCMDL00355514	ABDCMDL00355516	April 17-18, 2018 to May 29, 2018 City of Cleveland, Cuyahoga County, and Summit County transactional data	10/31/2018
ABDCMDL_VOL099	ABDCMDL00355517	ABDCMDL00355864	Files collected from the Corporate Security and Regulatory Affairs Share Drive	11/2/2018
ABDCMDL_VOL100	ABDCMDL00355865	ABDCMDL00355865	April 18, 2018 to May 29, 2018 City of Cleveland, Cuyahoga County, and Summit County Order Monitoring Program data	11/2/2018
ABDCMDL_VOL101	ABDCMDL00355866	ABDCMDL00357737	Custodial files from Michael Bramowski	11/5/2018
ABDCMDL_VOL102	ABDCMDL00357738	ABDCMDL00358082	Custodial files from Patrick Lazaro	11/5/2018
ABDCMDL_VOL103	ABDCMDL00358083	ABDCMDL00359841	Custodial files from Brad Tallamy	11/5/2018
ABDCMDL_VOL104	ABDCMDL00359842	ABDCMDL00360337	Files collected from the Corporate Security and Regulatory Affairs Share Drive	11/6/2018
ABDCMDL_VOL105	ABDCMDL00360338	ABDCMDL00360352	Custodial files from Eric Cherveney previously withheld as part of ABDC's privilege review	11/8/2018
ABDCMDL_VOL106	ABDCMDL00360353	ABDCMDL00360356	Custodial files from Ed Hazewski previously withheld as part of ABDC's privilege review	11/8/2018
ABDCMDL_VOL107	ABDCMDL00360357	ABDCMDL00360396	Track One Customer Due Diligence Files	11/9/2018
ABDCMDL_VOL108	ABDCMDL00360397	ABDCMDL00360399	Custodial files from Amy Illig previously withheld as part of ABDC's privilege review	11/9/2018
ABDCMDL_VOL110	ABDCMDL00360404	ABDCMDL00362039	Custodial files collected from Sharon Hartman's hard drive	11/15/2018
ABDCMDL_VOL109	ABDCMDL00360400	ABDCMDL00360403	Tableau Files utilized by ABDC's Diversion Control Team	11/16/2018
ABDCMDL_VOL111	ABDCMDL00362040	ABDCMDL00364205	Custodial files from Paul Ross	11/16/2018
ABDCMDL_VOL112	ABDCMDL00364206	ABDCMDL00364266	Files collected from the Corporate Security and Regulatory Affairs Share Drive	11/16/2018
ABDCMDL_VOL113	ABDCMDL00364267	ABDCMDL00364390	Files collected from the Corporate Security and Regulatory Affairs Share Drive	11/28/2018

MDL 2804 AmerisourceBergen Drug Corporation ("ABDC") Document Productions

ABDC MDL Volume Number	Beginning MDL Bates Number	Ending MDL Bates Number	Description	Produced
ABDCMDL_VOL114	ABDCMDL00364391	ABDCMDL00364395	Document from custodial file of Kevin Kreutzer inadvertently withheld from prior production	11/28/2018
ABDCMDL_VOL115	ABDCMDL00364396	ABDCMDL00364399	Tableau Files utilized by ABDC's Diversion Control Team	11/29/2018